

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American sign language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 960-8806** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

ACTION AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY CITY OF HUNTINGTON BEACH

MONDAY, JUNE 18, 2001

5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting To Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer

[Present – Dettloff absent]

Recess to Ribbon Cutting Ceremony of Replaced Fire Engines (160.10)

[Recess to ribbon cutting and closed session – 6-0-1 (Dettloff absent)]

Reconvene City Council/Redevelopment Agency Meeting

Public Comments Regarding Study Session and Closed Session Agenda Items

(1) Speaker spoke in opposition to Legal Opinion – RLS 2001-441 accompanying H-3a on Councilmember Garofalo's absences from 5/21/01 and 6/4/01 meetings. Speaker suggested procedure to follow.

(City Council/Redevelopment Agency) Joint Study Session Between the City Council, City Treasurer Shari Freidenrich and the Investment Advisory Board (IAB) (310.10)

The City Treasurer and the Investment Advisory Board will present its annual report of city investments.

Roll Call ~~Rick Ganulin (Chair), Paul Arms, Joe Foye, Bob Glass, Warren Hall, Bob Turicchi, Robert Winchell~~

[Study Session postponed]

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.ci.huntington-beach.ca.us>**

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **City of Huntington Beach v. KJ Enterprises, et al.**, Orange County Superior Court Case No. 01CC04184. Subject: **City of Huntington Beach v. KJ Enterprises, et al.** (120.80)
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Tierrasanta v. City of Huntington Beach**, Orange County Superior Court Case No. 77 59 93. Subject: **Tierrasanta v. City of Huntington Beach.** (120.80)
3. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Buhrow v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 00CC04374. Subject: **Buhrow v. City of Huntington Beach, et al.** (120.80)
4. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Bunnett v. City of Huntington Beach**, U.S. District Court Case No. CV-00-00080. Subject: **Bunnett v. City of Huntington Beach.** (120.80)
5. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Ionic Construction Company v. City of Huntington Beach, et al.**, Orange County Superior Court Case No. 00CC03470. Subject: **Ionic Construction Company v. City of Huntington Beach.** (120.80)
6. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9 (a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Huss, et al. v. City, et al., U.S. District Court Case SACV 98-249 AHS (ANx); Purner, Svendsbo v. City, U.S. District Court SACV 00-361 (DOC (ANx)).** Subject: **Huss, et al. v. City, et al., SACV 98-249 AHS (ANx) Purner, Svendsbo v. City SACV 00-361.** (120.80)

7. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(b)(2)(B) to confer with its city attorney regarding pending litigation. Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced. Subject: **Tort Claim 2000-78 Amended and 2000-88 Sanli, Pastore & Hill.** (120.80)
8. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.8 to give instructions to the city's negotiator, William Workman, Assistant Administrator; and Matt Lamb, Real Estate Services Manager, regarding negotiations with **AES Huntington Beach, LLC** or its affiliates concerning the purchase of the property for the Southeast Reservoir Acquisition located in the Northwest quadrant of Assessor Parcel No. 114-150-84 with the approximate dimensions of 460.96' by 472.5'; specifically bound on the north side by Edison Avenue and bound on the west side by Newland Avenue. Instruction will concern Price and Terms of Payment. Subject: **Real Estate Negotiations re Southeast Reservoir Acquisition, APN 114-150-84 located on the north side of Edison Ave. and the west side of Newland Ave.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

[Asst. City Attorney Scott Field reported out action on Closed Session #4]

[Asst. City Attorney Scott Field reported out action on Closed Session #2]

[Asst. City Attorney Scott Field reported out action on Closed Session #7]

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer

Flag Ceremony and Pledge of Allegiance – Cub Scout Pack 278 Webelos, Village View Elementary School, co-leaders Debbie and John Briscoe.

Invocation – ***Assistant City Administrator William Workman***

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

[City Clerk announced Late Communications received on agenda items: C-1b; C-3; D-1; D-3; F-1; F-2; E-11; and E-12]

Presentation – From Cheri Carroll, Major Account Executive and Jerry Dominguez, Regional Manager, from Southern California Edison Company, to Mayor Pam Julien Houchen, the City Council, and Director of Public Works Robert F. Beardsley, a rebate check of \$500,000, to the City of Huntington Beach, resulting from the city making traffic signal modification improvements which have resulted in significant energy savings to the city.

The Mayor's Award to Lieutenant Chuck Thomas, Police Department.

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

- (1) Speaker in support of C-1a.***
- (2) Speaker giving example of wonderful Police Dept. response to assistance for his young son with disabilities who was temporarily lost.***
- (3) Several Friends of the Library speakers in support of the library and recommending H.B. Playhouse have fundraising efforts.***
- (4) Representative of developer of the tour conducted by the developer of the "31 acre" site PCH-Lake Huntington (Pacific City) by the Native American Heritage Assn. to review archaeological issues on land.***
- (5) Speaker submitted photos of her two dogs that were killed by pit bulls and stated that she is circulating a petition to keep dogs from being returned. Requested Council help.***

[The City Council and City Administrator reported steps will be taken to investigate this matter.]

- (6) Many speakers in opposition to return of pit bulls to owner.***
- (7) Many speakers in support of DARE program and requesting it continue to be funded.***
- (8) Speaker in opposition to noticing procedure for Bowen Court Senior Complex on Lake Street.***
- (9) Speaker opposed to banner towing planes and alcohol ads, opposed to F-1 – cost for HCP Sports Complex being more than voted on ballot.***

- (10) Speaker requesting alternate sources of energy be explored such as the ocean. Requested "Energy Fair" be held for people to present their products.***
- (11) Speaker opposed to DARE program; opposed to raise in insurance required of people renting public facilities.***
- (12) Speaker stated his belief that 31 acres (PCH-Atlanta-Lake) contains more archaeological items than stated by previous speaker during public comments.***

[Economic Development Director responded to Councilmember Garofalo re: public notice given relative to Public Hearing on Bowen Court Senior Complex at Lake and Yorktown]

[Police Chief responded to Councilmember Garofalo on DARE program]

[City Administrator reported on Adjourned Meeting to be held July 23, 2001 on City Budget and need to reduce budget]

C-1. Council Committee/Council Liaison Reports

C-1a. (City Council) Approve Submittal by the Children's Needs Task Force of a State of California Proposition 10 Grant Application to Develop a Multi-Service Family Resource Center – "One Stop Center" for Children's Needs (Health/Medical Options/Educational Resources/ Child/Family Counseling) – Return to Council August 2001 for Final Approval (570.70)

Communication from the Children's Needs Task Force Council Liaisons Pam Julien Houchen and Shirley Dettloff informing Council that the Children's Needs Task Force (CNTF) has identified an opportunity to partner with other organizations to develop a multi-service Family Resource Center through a Proposition 10 grant.

The Children's Needs Task Force (CNTF) is an effective working group of well connected and committed community members implementing a well-developed action plan with great success. Recent evidence includes the initiation of the citywide Character Awards and the wide distribution and endorsement of the city's *Resolution for Children and Families*. The CNTF is now working on its next major goal, one that has been "on the burner" since the Task Force was convened by former Mayor Moulton-Patterson in 1995, that of a Family Resource Center. Mayor Pam Julien Houchen and Shirley Dettloff, CNTF council liaisons, are in agreement with the CNTF concerning the need for the center.

Recommended Action: Motion to:

1. Approve the submittal of a Proposition 10 grant application; ***conditioned on when item returns in August 2001, that alternatives be studied as to what is the lead Agency and how to be followed through if no more Proposition 10 funding available.***

and

2. Request that the Children's Needs Task Force bring a full report back to City Council in August, 2001 for final approval.

[Approved #1 & #2 6-0-1 (Dettloff absent)]

[Cathy McGough, Chair of Children's Needs Task Force reported at request of Mayor Julien Houchen]

C-1b. (City Council) Continued from June 4, 2001 – Receive Announcement of Appointment for Public Works Commissioner by Mayor Pro Tem Debbie Cook Coincidental with her Term of Office (110.20)

Mayor Pro Tem Cook will announce her appointment for a Public Works Commissioner to Coincide with her term of office.

[Announced appointment of George Mason]

C-1c. (City Council) Continued from June 4, 2001 – Receive Announcement of Appointments for Public Works Commissioners by Mayor Pam Julien Houchen of Dina Gartland – Councilmember Ralph Bauer of Bill Hartge and Councilmember Shirley Dettloff of Stan Piechota (110.20)

Communication received from Mayor Julien Houchen and Councilmembers Bauer and Dettloff that at the June 4, 2001 City Council meeting, the new process for appointing Public Works Commissioners was activated. Due to the term expirations of four of the existing seven commissioners on June 30, 2001, City Councilmembers drew lots to determine which Councilmembers would be give the opportunity to make an individual appointment to the Public Works Commission.

Based on the drawing, the Mayor and the City Councilmembers are prepared to announce their appointments. This process was adopted by ordinance at the December 4, 2000 City Council meeting. The appointments to be announced are listed below.

Mayor Pam Julien Houchen -
Appointing Dina Gartland, term to expire December 2004

City Councilmember Shirley Dettloff -
Appointing Stan Piechota, term to expire December 2002

City Councilmember Ralph Bauer -
Appointing Bill Hartge, term to expire December 2002

C-2. City Administrator's Reports

C-2a. City Administrator's Report - PowerPoint Presentation on Department Spotlights – Community Services Department and the Economic Development Department (with the Public Works Department) Re: (1) Bluff Top Park Railing, (2) Habitat for Humanity Houses and (3) Fifth Street Parking Improvements (160.10)

The City Administrator will provide a summary report regarding three projects recently completed by the Community Services Department and the Economic Development Department (with the Public Works Department) on 1) Bluff Top Park Railing, 2) Habitat for Humanity Houses, and 3) Fifth Street Parking Improvements.

** A PowerPoint presentation titled *Department Spotlights – Community Services – Economic Development* is included in the agenda packet.

[City Administrator presented slide report]

C-2b. City Administrator's Report - Receive Staff Report on Status of Southern California Air Quality Management District (SCAQMD) Permit Issuance in Re: to Purchase of Air Pollution Credits by AES Huntington Beach, LLC Power Plant for the Retooling of Units 3 and 4 (520.75)

Communication received from the Administrative Services Director providing the following report on the above captioned subject:

Background

At the City Council Meeting of April 16, 2001, City Council Member Ralph Bauer submitted an H-item (Council memo) related to the purchase of air pollution credits by the AES Huntington Beach Power Plant (AES). The two recommended actions that were approved by the City Council at that meeting directed staff to:

1. Intervene in the negotiations between AES and SCAQMD to prevent the purchase of any air pollution credits.
2. Request the Mayor to send a letter protesting the purchase of any air pollution credits to Newport Beach City Council Member Norma Glover (League of Cities representative to the SCAQMD Board of Directors).

Summary

The following summary presents the results of this effort for further Council review and discussion.

The Governing Board of the South Coast Air Quality Management District (SCAQMD) issued AES Huntington Beach a permit to proceed with construction/operation of Units 3 and 4 on May 30, 2001. At issue was the availability of pollution credits required by AES to operate Units 3 and 4.

The permit was issued by the Governing Board despite AES' failure to obtain a contract from the State Department of Water Resources (DWR) to sell power. The city of Huntington Beach, among others, successfully lobbied to have SCAQMD Rule 1309.1 amended to require AES to have a signed contract with the DWR insuring that they would sell the electricity generated by Units 3 and 4 in the State of California. As of June 8, 2001, AES does not have a signed contract with DWR.

In addition, staff believes that AES should be required to demonstrate the following:

- AES meets best available retrofit control technology (BARCT).
- Units 3 and 4 will not cause significant increases in toxic emissions.
- AES is in compliance with all record keeping, monitoring, and reporting requirements.

The city can appeal the ruling within 30 days from the date of issuance (deadline – June 28, 2001).

An attachment from Councilmember Bauer dated April 10, 2001 and titled "*H*" Item for April 16, 2001 City Council Meeting – Purchase of Air Pollution Credits by A.E.S. is included in the agenda packet.

[The Administrative Services Director presented oral report]

***[Motion to authorize the filing of appeal of SCAQMD Rule 1309.1
Approved 6-0-1 (Dettloff absent)]***

C-3. (City Council) Review and Accept City Treasurer's April 2001 Investment Summary Report (310.20)

Communication from the City Treasurer transmitting the Monthly Investment Report for April 2001.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio* for April 2001, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

[Approved 6-0-1 (Dettloff absent)]

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Appeal Filed by Riggs Thayer of the Planning Commission's Approval of Conditional Use Permit No. 01-05 (Expo Design Center – s/w Corner of Edinger Avenue and Goldenwest Street) to Permit Temporary Outdoor Sales Display (Gary Thomas, Property Owner) (420.40)

Applicant/Appellant: Riggs Thayer, Expo Design Center

Request: To permit temporary outdoor sales within a 40-foot by 90-foot tent a maximum of five (5) times a year, a maximum of 10 days per event. In addition, to permit the year round outdoor display/retail sales of select merchandise along the front of the store during normal business hours.

Location: 6912 Edinger (southwest corner of Edinger Avenue and Goldenwest Street)

Environmental Status: This item is categorically exempt from the provisions of the California Environmental Quality Act.

On File: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92546, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office after Friday, June 15, 2001.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 714-536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action:

A. Planning Commission Recommendation: Motion to:

Approve Conditional Use Permit No. 01-05 with Findings and Conditions of Approval as approved by the Planning Commission on April 24, 2001 (Attachment No. 1)."

OR

B. Staff Recommendation: Motion to:

Approve Conditional Use Permit No. 01-05 with Findings and suggested Conditions of Approval (Attachment No. 2).

[Approved 6-0-1 (Dettloff absent)]

Administrative Hearing

D-2 is an administrative hearing. An administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at an administrative hearing. All other interested parties may speak during regular *Public Comments* section of agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

D-2. (City Council) Administrative Hearing – Adopt Resolution No. 2001-36 – Approving Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Communication from the City Treasurer and the City Attorney.

Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

A copy of the proposed resolution is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach 92648, for inspection by the public after Friday, June 15, 2001.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

Adopt **Resolution No. 2001-36** entitled "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations.*"

[Adopted 6-0-1 (Dettloff absent)]

D-3. (City Council) Public Hearing to Consider Fee Increase for Solid Waste Collection and Disposal Pursuant to Current Contract Between City and Rainbow Disposal Company – Adopt Resolution No. 2001-38 (600.45)

Public hearing to consider an increase in the fee for solid waste collection and disposal.

It is proposed that the fee be set at ~~\$17.18~~ **\$16.68** per residential unit of service per month, an increase of \$.79 over the existing fee. The exact amount of the increase will be determined after the hearing, but will not exceed \$17.18 per residential unit of service per month.

A copy of the proposal is on file in the Office of the City Clerk.

All citizens are invited to attend and provide the City Council with written and oral comments and ask questions concerning the proposed fee for solid waste collection and disposal. Written communications to the City Council for or against the proposed fee increase may also be mailed to the City Clerk.

The City of Huntington Beach endeavors to accommodate person of handicapped status in the admission or access to, or treatment or employment in, City programs or activities. The City of Huntington Beach is an equal opportunity employer.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

Adopt **Resolution No. 2001-38** – “A Resolution of the City Council of the City of Huntington Beach Establishing Residential Curbside Refuse Collection Rates” **at \$16.68 per residential unit of service per month.**

[Adopted 6-0-1 (Dettloff absent)]

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. (City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency regular meetings of June 4, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
[Approved & Adopted 5-0-1-1 (Garofalo abstain; Dettloff absent)]
- E-2. (City Council) Approve Scope of Work and Specifications and Authorize the Advertisement for Bids for the Central Library Roofing Project – MSC-410** (600.90) – Approve scope of work and specifications, and authorize the Director of Public Works to request bids for the Central Library Roofing Project. Submitted by the Public Works Director. Funding Source: \$210,000 General Fund CIP Account. Upon receipt of bids, up to \$50,000 will be transferred from unexpected project funds or General Fund unappropriated balance.
[Approved 6-0-1 (Dettloff absent)]
- E-3. (City Council) Award Contract to Pacific Striping for Citywide Installation of Reflective and Non-Reflective Pavement Markers on Arterial Street – CC-1140 – Authorize Execution of Contract** (600.50) – **1.** Accept the low bid submitted by Pacific Striping for the proposed Citywide Installation of Reflective and Non-reflective Pavement Markers on Arterial Streets project and authorize the Mayor and City Clerk to execute the contract; and **2.** Authorize the Director of Public Works to expend up to \$500,000 for the project, including \$135,405 for the contract, \$27,080 for change orders, and \$337,515 for materials and supplementals. Submitted by the Public Works Director. Funding Source: \$500,000 Hazard Elimination Safety (HES) grant, Arterial Highway Markers Account.
[Approved 6-0-1 (Dettloff absent)]
- E-4. (City Council) Accept the Intrepid Lane Storm Drain Project CC-1139 and File the Notice of Completion – Buso Constructors, Inc.** (600.10) – **1.** Accept the Intrepid Lane Storm Drain Project CC-1139 completed by Buso Constructors, Inc. at a final cost of \$140,970.02; and **2.** Authorize the City Clerk to file a Notice of Completion with the County Recorder's Office. Submitted by the Public Works Director. Funding Source: \$153,675 General Fund, Capital Projects, Intrepid Storm Drain Account.
[Approved 6-0-1 (Dettloff absent)]

- E-5. **(City Council) Approve Professional Services Contract with Landata Airborne Systems Inc. for Preparation Citywide Orthophotography Project (Water Quality Projects)** (600.10) – 1. Approve and authorize the Mayor and City Clerk to execute the contract with Landata Airborne Systems for the Citywide Orthophotography Project in the amount of \$140,975 – *Professional Services Contract between the City of Huntington Beach and Landata Airborne Systems, Inc. for Preparation of City-Wide Orthophotography*; and 2. Authorize the Director of Public Works to expend a total of \$161,975, which includes the contract amount of \$140,975, estimated contingency of \$14,000 and \$7,000 in supplemental expenditures. Submitted by the Public Works Director. Funding Source: \$500,000 authorized from the \$4 million State Proposition 13 grant. A new business unit will be created when funds are received. Projects: **Low Flow Urban Runoff to Sanitary Sewer \$1,000,000/Water Quality Master Plan \$500,000/In-line Storm Drain Runoff Treatment Structures \$2,000,000/Maintain and Clean Storm Drain Structures \$450,000/Final Report \$5,000.**
[Approved 6-0-1 (Dettloff absent)]
- E-6. **(City Council) Approve a Professional Services Contract with Richard Brady and Assoc. for Overmyer Reservoir Rehabilitation Engineering Design – CC-1104** (600.10) – 1. Approve the attached Professional Services Contract with Richard Brady and Associates (RBA) for detailed engineering design services for the Overmyer Reservoir Rehabilitation – *Professional Services Contract between the City of Huntington Beach and Richard Brady and Associates for Engineering Design Services for the Overmyer Reservoir Rehabilitation*; and 2. Authorize the Director of Public Works to expend up to \$767,000 to cover contract costs of \$592,658 an estimated contingency of \$115,000 and supplemental expenditures of \$59,342. Submitted by the Public Works Director. Funding Source: \$1,000,000 Water Master Plan Fund, Overmyer Reservoir Account.
[Approved 6-0-1 (Dettloff absent)]
- E-7. **(City Council) Approve Amendments No. 1 to Orange County Sanitation District Cooperative Projects Program Contract No. 0005 (Sewer Master Plan Update/Inflow and Infiltration Study – CC-1144 and Contract No. 0006 (Huntington Harbour Sewer Sliplining Project – CC-1161** (600.25) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 1 to Cooperative Projects Program Contract No. 0005* and *Amendment No. 1 to Cooperative Projects Program Contract No. 0006* with the Orange County Sanitation District. Submitted by the Public Works Director. Funding Source: No funding is required for this action. Amendments to agreements are necessary to extend completion time from July 2001 to January 2002.
[Approved 6-0-1 (Dettloff absent)]

- E-8. **(City Council) Adopt Resolution No. 2001-35 (Side Letter Agreement) Amending the Memorandum of Understanding Between the City and the Huntington Beach Police Officers' Association – Trial Job-Sharing Program** (720.20) – Adopt **Resolution No. 2001-35** – “A Resolution of the City Council of the City of Huntington Beach Modifying Benefits and Amending the Memorandum of Understanding between the City of Huntington Beach and Huntington Beach Police Officer's Association.” Submitted by the Chief of Police. Funding Source: The existing approved budget can absorb the approximate \$8,000 maximum annual costs associated with this trial period. The costs are associated with benefits that must be provided to each employee sharing a job. The funds are available in General Fund Accounts as follows: Patrol, Communications and Jail.
[Adopted 6-0-1 (Dettloff absent)]
- E-9. **(City Council) Award Bid Contract to Inspection Engineering Construction for Traffic Signal Modifications – CC-1128 – Newland/Warner, Bolsa Chica/Warner, Edwards/McFadden, Gothard/Slater and Goldenwest/Palm** (600.55) – 1. Accept the bid submitted by Inspection Engineering Construction for traffic signal improvements, CC-1128, and authorize the Mayor and City Clerk to execute the contract; and 2. Authorize the Director of Public Works to expend up to \$501,000 for the project, including \$225,070 for the contract; \$45,000 for change orders, and \$230,930 for materials and supplementals. Submitted by the Public Works Director. Funding Source: \$501,000 HES Grant Fund, Traffic Signal Modifications Account.
[Approved 6-0-1 (Dettloff absent)]
- E-10. **(City Council) Appropriate Funds for Replacement of the Police Computer Aided Dispatch/Records Management System (CAD/RMS) Phase II** (320.45) – 1. Appropriate \$1.2 million originally designated for the CAD/RMS replacement from the unreserved equipment replacement fund to expenditure account IQ 55340102.83900, subledger 10070151 (Type C); and 2. Authorize expenditures for Phase II following final vendor selection and City Council approval. Submitted by the Chief of Police. Funding Source: Unreserved equipment replacement fund balance in the amount of \$1.2 million.
[Approved 6-0-1 (Dettloff absent)]
- E-11. ~~**(City Council) Approve the Release of the Guarantee and Warranty Bond for Tract No. 12747 – Angus Petroleum Corp. – Block Bounded by California/Delaware/Springfield/Rochester**~~ (420.60) – 1. Release Guarantee and Warranty Bond No. 7277258, the security furnished for guarantee and warranty of improvements; and 2. Instruct the City Clerk to notify the Subdivider, Angus Petroleum Corporation, of this action, and the City Treasurer to notify the Surety, Great American Insurance Company, of this action. ~~Submitted by the Public Works Director.~~ Funding Source: Not Applicable.
[Removed from Agenda per Late Communication]

- ~~E-12. (City Council) Approve the Release of the Guarantee and Warranty Bond for Tract No. 12746 – Angus Petroleum Corp. – Block Bounded by California, Huntington, and Springfield Streets and Toronto Avenue (420.60) – 1. Release Guarantee and Warranty Bond No. 7277259, the security furnished for guarantee and warranty of improvements; and 2. Instruct the City Clerk to notify the Subdivider, Angus Petroleum Corporation, of this action, and the City Treasurer to notify the Surety, Great American Insurance Company, of this action. Submitted by the Public Works Director. Funding Source: Not Applicable.~~

[Removed from Agenda per Late Communication]

- E-13 **(City Council) Approve Amendment to Promotional Contract with Chevrolet – The Official Marine Safety Vehicle of Surf City, Huntington Beach and Approve Promotion Agreement for Sponsorship of Pier Plaza Presents Series – Approve City's Indemnification Obligations** (600.10) – 1. Authorize the Mayor and City Clerk to execute the Amendment to the current vehicle promotional agreement with Chevrolet Motor Division for five additional vehicles – *Amendment to Promotional Agreement between General Motors Corporation and City of Huntington Beach*; and 2. Authorize the Mayor and City Clerk to execute the promotional agreement with Chevrolet for the sponsorship of the Pier Plaza Present Series – *Promotional Agreement*; and 3. Approve Section 6 of the Pier Plaza Presents promotional agreement, which includes the city's indemnification obligations to the General Motors Corporation. Submitted by the Community Services Director. Funding Source: Not Applicable.

[Approved 6-0-1 (Dettloff absent)]

- E-14. **(City Council) Approve Amendment No. 2 to Agreement with Bucknam & Associates, Inc. to Provide Administrative Support Staff to Public Works for Development Engineering Services** (600.10) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 2 to the Agreement between the City of Huntington Beach and Bucknam & Associates, Inc. to Provide Administrative Support Staff to Public Works.* Submitted by Public Works Director. Funding Source: \$90,000 General Fund, Public Works Development Services, Professional Services Account.

[Approved 6-0-1 (Dettloff absent)]

- E-15. **(City Council) Approve Appropriation for Purchase of Six Generators and Storage Shed for Emergency Operation of Sewer Lift Stations During Power Blackouts** (320.45) – Authorize the Finance Director to appropriate \$175,000 to purchase six emergency generators, and a metal storage shed. Submitted by the Public Works Director. Funding Source: \$175,000 General Fund Balance.

[Approved 6-0-1 (Dettloff absent)]

- E-16. **(City Council) Award Bid to E & M Constructors Co. for the Construction Contract for the Pacific Coast Highway Right Turn Pocket at Goldenwest Street Project, CC-1138** (600.50) – **1.** Accept the bid from E & M Constructors Co. the lowest responsive/ responsible bidder for the construction of the Pacific Coast Highway Right Turn Pocket at Goldenwest Street Project, CC-1138; and **2.** Approve and authorize the Mayor and the City Clerk to execute the construction contract between the City of Huntington Beach and E & M Constructors Co. in the amount of \$162,635.50 for the construction of the Pacific Coast Highway Right Turn Pocket at Goldenwest Street Project, CC-1138; and **3.** Authorize the Finance Director to appropriate \$65,300 from the Traffic Impact Fee fund balance into Account No. 20690011.82300; and **4.** Authorize the Director of Public Works to expend up to \$185,000, which includes the contract cost of \$162,635.50, estimated contingency of \$16,300.50, and \$6,364 in supplemental expenditures. Submitted by the Public Works Director. Funding Source: \$120,000 Traffic Impact Fund, PCH Widening at Goldenwest Account. The balance of \$65,3000 will be appropriated from the Traffic Impact Fee fund balance.
[and Request Caltrans to restripe and longer left-turn pocket at Warner Avenue and Pacific Coast Highway]
[Approved 6-0-1 (Dettloff absent)]
- E-17. **(City Council) Approve the Purchase of Two Replacement Fire Department Ambulances – Approve Appropriation of Funds** (320.45) – **1.** Approve the purchase of two (2) replacement ambulances; and **2.** Approve an appropriation of \$265,000 from the FireMed Fund balance (50265403) to the equipment replacement fund (55340102). Submitted by the Fire Chief/Information Systems Director. Funding Source: Unappropriated FireMed Fund balance (50265402) in the amount of \$265,000.
[Approved 6-0-1 (Dettloff absent)]
- E-18. **(City Council) Adopt Resolution No. 2001-37 – Adopting Capital Improvement Programs for the Years 2001/02 Through 2007/08 for Compliance with Measure M and Proposition 111 Requirements** (320.40) – Adopt Resolution No. 2001-37 – “A Resolution of the City Council of the City of Huntington Beach Adopting Capital Improvement Programs for the Years 2001/02 Through 2007/08 for Compliance with Measure M and Proposition 111 Requirements. Submitted by the Public Works Director. Funding Source: No funding necessary for this action. Measure M entitlement revenue is approximately \$1.5 million annually. (Exhibit “A” to Resolution No. 2001-37 listing Measure M Eligibility Projects included.)
[Adopted 6-0-1 (Dettloff absent)]

- E-19. **(City Council) Approve a Three-Year Professional Services Contract with Pageantry Productions to Produce and Stage the Fourth of July Parade on an Annual Basis Beginning in 2001** (600.10) – Approve a three-year *Services Contract between the City of Huntington Beach and Pageantry Productions for Production and Staging of the Fourth of July Parade* and authorize the Mayor and City Clerk to execute same. Submitted by the Community Services Director. Funding Source: Fourth of July Parade Fund, to be reimbursed from the Fourth of July fundraising activities and sponsor donations, not to exceed \$8,600 yearly.
[Approve as amended to 12 months and prepare Request for Proposals for Fourth of July 2003 parade]
[Approved 6-0-1 (Dettloff absent)]
- E-20. **(City Council) Approve Services Contract Agreement with Pyro Spectaculars for Fourth of July Fireworks Display on the Beach – Approve Insurance Liability Requirements** (600.10) – **1.** Authorize the Mayor and City Clerk to approve *Services Contract Between the City of Huntington Beach and Pyro Spectaculars, Inc. for Fireworks Display on the Fourth of July* in an amount not to exceed \$18,000, subject to receipt of the required insurance certificates and upon approval as to form by the City Attorney; and **2.** Approve City's indemnification obligations to contractor set forth in Paragraph 4 of Exhibit B; and **3.** Approve contractor's changes to City's standard indemnification provision set forth in Section 6 of the Agreement; and **4.** Approve the following changes to commercial general liability insurance coverage: (1) accept deductible of Five Thousand Dollars (\$5,000.00) per claim and Fifteen Thousand Dollars (\$15,000.00) per occurrence; (2) accept changes to City's commercial general liability insurance to exclude claims made against City for bodily injury or property damage arising from A) failure of City, including through or by its employees, agents and/or independent contractors, to perform its obligations under this Agreement; B) failure of City to provide discretionary spectator and parking areas. Submitted by the Community Services Director. Funding Source: Fourth of July Parade Fund, to be reimbursed from the Fourth of July fundraising activities and sponsor donations, not to exceed \$18,000.
[Approved 6-0-1 (Dettloff absent)]
- E-21. **(City Council) Approve in Concept the Execution of an Agreement to be Prepared Between the City and the California Highway Patrol (CHP) for Supplemental Law Enforcement for the Fourth of July Celebration** (600.20) – **1.** Approve and authorize the Police Chief and City Clerk to execute an agreement between the City of Huntington Beach and California Highway Patrol in substantially the same form as the previous agreement executed on July 5, 2000 (shown as attachment 1) and upon approval as to form by the City Attorney; and **2.** Authorize the Police Chief to expend up to \$25,000 for the services provided by the California Highway Patrol for supplemental law enforcement services for July 4, 2001. Submitted by the Chief of Police. Funding Source: Special Events Overtime Account, \$25,000.
[Approved 6-0-1 (Dettloff absent)]

F. Administrative Items**F-1. (City Council) Approve Plans and Specifications and Authorize Advertisement for Bids for the Huntington Central Park Sports Complex, CC-1121 – Approve Sample Construction Contract (600.80)**

Communication from the Director of Community Services, the Director of Public Works and the Director of Administrative Services recommending that Council approve the plans and specifications and authorize advertisement for bids for the Huntington Central Park Sports Complex, contingent upon final approval.

Prior to the issuance of revenue bonds to fund the project, staff is recommending that Council advertise for bids. Once the bid amount is known, the bond issue can then be sized to fit the needed funding, which is estimated to be \$18 million. When the bids have been received, staff will return to Council for a final approval of the bond issue and award of bid. At that time, if the project is greater than the city's ability to fund it, Council can reject all bids and cancel the issuance of bonds.

Recommended Action: Motion to:

1. Approve the plans and specifications and authorize the Director of Public Works to request bids for the Central Park Sports Complex, CC-1121 contingent upon final approval;

and

2. Approve the Sample Construction Contract (Attachment No. 1), subject to award of the contract to the lowest responsive/responsible bidder.

[Approved #1 & #2 4-2-1 (Boardman, Cook No; Dettloff absent)]

F-2. (City Council) Continued from June 4, 2001 – Approve the First Amendment to Professional Services Contract Between the City and MuniFinancial for the Holly-Seacliff Traffic Impact Fee (PLC Land Company, Developer) (600.10)

For the June 4, 2001 meeting a communication was received from the Director of Public Works requesting approval at the June 4, 2001 Council meeting of a contract amendment with MuniFinancial to provide for a Holly-Seacliff Impact Fee.

MuniFinancial was the firm selected to prepare the Holly-Seacliff Traffic Impact Fee Report. It was originally estimated that the cost of this work would not exceed \$20,000. Consequently, it was not necessary to obtain City Council approval for the contract.

At this last meeting of June 4, 2001, the City Council requested more detail regarding the consultant's fees for preparing the Holly-Seacliff Traffic Impact Fee. Attached to this memo is a revised budget. This Exhibit A attachment would replace the Exhibit A to the contract previously submitted to the City Council.

As a matter of background, the consultant has completed Tasks 1 and 2, and has begun Task 3. The hourly rates are being retained at \$125.00 per hour and \$85.00 per hour for associates, not the \$180.00 per hour originally stated in the RCA.

In connection with performing a further detailed review of the right-of-way acquisition history, Task 3 was added. We are also conducting two days of individual property owner meetings. Depending upon the nature of questions submitted by property owners, additional work may be necessary. Should this occur, we will request further City Council approval before proceeding, if the cost exceeds 15% of the budget (\$5,640).

Recommended Action: Motion to:

Approve and authorize the Mayor and City Clerk to execute the *First Amendment to the Professional Services Contract between the City of Huntington Beach and MuniFinancial for Traffic Impact Fee Study* with the attached amended Exhibit A titled *Exhibit A Traffic Impact Fee Study Budget and Schedule*.

[Approved 6-0-1 (Dettloff absent)]

G. OrdinancesG-1. Ordinance for Adoption - NoneG-2. Ordinance for Introduction - NoneH. City Council/Redevelopment Agency ItemsH-1a. Submitted By Councilmember Shirley Dettloff(City Council) Request from Councilmember Shirley Dettloff for Permission to be Absent (120.40)

Communication from Councilmember Dettloff requesting permission to be absent from the City Council meeting of June 18, 2001.

Recommended Action: Motion to:

Approve Councilmember Dettloff's request for permission to be absent from the June 18, 2001 Council meeting.

[Approved 6-0-1 (Dettloff absent)]

~~H-2a. Submitted By Councilmember Peter Green~~~~(City Council) Request from Councilmember Peter Green for Permission to be Absent~~ (120.40)

~~Communication from Councilmember Green requesting permission to be absent from the City Council meeting of June 18, 2001.~~

~~Recommended Action:~~ Motion to:

~~Approve Councilmember Green's request for permission to be absent from the June 18, 2001 Council meeting.~~

[Councilmember Green is present]

H-3a. Submitted By Councilmember Dave Garofalo**(City Council) Approve Recommendation to Establish Council Absence Policy**
(120.10)

Communication from Councilmember Garofalo submitting the following **Statement of Issue**: During the past six and one-half years of Council service, I have witnessed a plethora of ways Council Members absent themselves from Council Meetings. They have ranged from advance notice at a Council Meeting with the to be absent party bringing the issue forward all the way over to the Council Member seeking approval after the absence.

While the Charter seems reasonably clear on the point, a more informal policy has dominated rather than a formal policy. This memo will attempt to draw us closer to a discussion with the advice and consent from all the parties as to how it should be done in the future.

In the meantime, there are several requests and past requests pending that need action.

Finally, it would be interesting to note the attendance record for all Council Members, on say, an annual basis. I would like to request that data since 1994. With a double bypass open-heart operation, two angioplasty procedures, and another major emergency surgery, I remain quite proud of my attendance record since my entry into public office.

** Two memos from Councilmember Garofalo re: absence from meetings of May 21, 2001 and June 4, 2001 are included in the agenda packet.

** Legal Opinion (RLS 2001-441) from City Attorney Hutton dated June 14, 2001 re: Councilmember Garofalo's absence is included in the agenda packet.

Recommended Action: Motion to:

1. Direct the City Attorney, in concurrence with the City Clerk, to establish the policy for us to deal with future absences from formal Council Meetings.

and

2. Accept all past requests for City Council absences and so record them by minute action ***from January 2001 forward.***

[Approved #1 & #2 6-0-1 (Dettloff absent)]

H-3b. **(City Council) Continued from June 4, 2001 – Swimming Pool Safety – Direct Preparation of a Draft Ordinance to Require Upon Close of Escrow, the Installation of Motion Detectors in Properties with Pools** (120.90)

Communication received from Councilmember Dave Garofalo transmitting the following **Statement of Issue**: We lost another child to drowning, the second in the year 2001! I have had the opportunity to meet with staff members, professional water sport educators, and members of the water recreation industry. There is a myriad of devices, costing as low as \$100.00, that could help save a child's life. The solution was brought forward by both public and private sector participants that very inexpensive motion detectors would help avoid this tragedy in the future. There is no absolute preventive method or policy; however, the following recommendation is a step in the right direction. I am not asking for emergency level efforts in an otherwise already burdened staff. Some research from other communities is available and I would hope we could see a draft before year-end.

Recommended Action: Motion to:

Direct staff to submit a ~~draft ordinance that would require upon the close of escrow the installation of a motion detector in properties that have pools~~ ***draft report to deal with the issue of pool safety.***

[Approved 6-0-1 (Dettloff absent)]

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Thursday, June 28, 2001, at 10:00 a.m., in Room D, Central Library, 7111 Talbert Avenue, Huntington Beach, California.

Council/Agency Agendas And Minutes Are Available At No Charge To The Public At The City Clerk's Office By Mail And Through Paid Subscription. Complete Agenda Packets Are Available At The Central Library and Library Annexes On Friday Prior To Meetings. Video Tapes Of Council Meetings Are Available For Checkout At The Central Library At No Charge.

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